UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,313	11/17/2003	Keith A. Thuerk	BOC9-2003-0033 (402)	5100

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EXAMINER
GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
2445	

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10/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/715,313	THUERK, KEITH A.
Office Action Summary	Examiner	Art Unit	
	WILLIAM J. GOODCHILD	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 3-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Landon et al., "Deploying Lotus Sametime on the eServer iSeries Server",

Redbooks, June 2002, (hereinafter Landon), and further in view of Pabla et al., (US

Publication No. 2004/0064693), (hereinafter Pabla).

Regarding claim 1 Landon discloses providing a collaborative computing system

comprising at least one instant messaging client [Landon, page 2, 1.1, page 65, figure

3-46, Sametime Connect for the desktop, Exchange messages with AOL Instant

Messenger users], the collaborative computing system including presence awareness

features that automatically detect online entities that are logged into the collaborative

computing system [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph,

'Both versions of the Sametime Connect client contain a presence list or buddy list that

provides an entry point to all collaborative activities in Sametime. This buddy list can

display the name of any user in the Sametime community that is online'];

initializing said instant message client within a graphical user interface of said

collaborative computing system [Landon, page 136, 5.2.1];

specifying at least one search limitation, [Landon, page 201, Creating a buddy list and

group] said search limitation preventing users other than user belonging to a

predetermined class of users from accessing data records pertaining to one or more

predetermined online entities and from receiving data indicating an online presence of

one or more predetermined online entities [Landon, page 6, 1.2.9, Security, access is

restricted via Access control lists for users or groups access to a database];

receiving a search initializing action from said graphical user interface [Landon, page

201, Creating a buddy list and group];

responsive to said receiving step, presenting search input fields within said graphical

user interface [Landon, page 201, figure 6-7];

receiving input via said input fields that specifies a search pattern [Landon, page 201,

figure 6-7 and Creating a buddy list and group];

displaying a search result from said searching step within said graphical user interface

[Landon, page 201, step 2];

selecting at least one of the online entities displayed in the search result [Landon, page

9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime

Connect client contain a presence list or buddy list that provides an entry point to all

collaborative activities in Sametime. This buddy list can display the name of any user in

the Sametime community that is online', page 136, 5.2.1, Sametime Connect for the

desktop and 5.2.2, Sametime Connect for Web browsers];

establishing a software-enhanced communication not limited to instant messaging between a user of the instant messaging client and the selected online entity [Landon, page 9, 1.3.3, Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or buddy list that provides an entry point to all collaborative activities in Sametime. This buddy list can display the name of any user in the Sametime community that is online', page 136, 5.2.1, Sametime Connect for the desktop and 5.2.2, Sametime Connect for Web browsers].

Landon does not specifically disclose subject to said at least one search limitation, searching at least one record source for online entities that satisfy said search pattern using the presence awareness features. However, Pabla in the same field of endeavor discloses search or query the instant messaging distributed index of presence information to discover the presence of other participating peers [Pabla, paragraphs 114 and 139]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate searching a large list of presence users in a communication environment in order to efficiently locate a user or group of users pertaining to the searchers requirements.

Regarding claim 6, Landon further discloses establishing a plurality of user specific search patterns; and recording said search patterns so that said search patterns can be retrieved at a later time [Landon, page 126, 1st paragraph and figure 4-22, Search filters].

Regarding claim 7, Landon further discloses said record source comprises a first

database that is a record source specifying at least one online entity and a second

database having a data field, wherein said data field specifies an attribute relating to

said online entity that is not specified within said first database, said searching step

further comprising the steps of: establishing a query that includes said data field; and

searching for at least one online entity using said query [Landon, page 126, figure 4-22,

field search filter for resolving person or groups and table 4-5].

Regarding claim 8, Landon further discloses specifying a plurality of record sources,

each of which specifies at least one online entity, wherein said searching step further

comprises searching said plurality of record sources for online entities that satisfy said

search pattern [Landon, page 120, table 4-2, Description of Field "Host Name or IP

address of the LDAP server"].

Regarding claim 9, Landon further discloses establishing at least one search

preference that is used when performing said searching step, wherein said search result

is based at least in part upon said search preference [Landon, page 122, table 4-3,

Field 'People'].

Regarding claim 10, Landon further discloses establishing an order in which said

record sources are accessed during said searching step [Landon, page 120, table 4-2,

Field "Position of this server in the search order"].

Regarding claim 11, Landon further discloses directly executing at least one software-

enhanced communication involving said online entity and a user of said graphical user

interface using said search result [Landon, page 9, 1.3.3, 4th and 5th paragraphs].

Regarding claim 12, Landon-Pabla further discloses specifying at least one search

limitation, [Landon, page 201, Creating a buddy list and group], said search limitation

preventing users other than users belonging to a predetermined class of users from

accessing data records pertaining to one or more predetermined online entities and

from receiving data indicating an online presence of one or more predetermined online

entities [Landon, page 6, 1.2.9, Security, access is restricted via Access control lists for

users or groups access to a database];

receiving a user specified search pattern [Landon, page 125, #'s 11-12];

subject to said at least one search limitation, searching a point of presence database for

online entities having access to a collaboration software application which satisfy said

search pattern [Landon, page 3, 1.2.3, page 126, figure 4-22 and table 4-5], the

collaborative software application including presence awareness features [Pabla,

paragraphs 114 and 139] that automatically detect online entities that are logged into

the collaborative computing system [Landon, page 9, 1.3.3, Sametime Connect client,

4th paragraph, 'Both versions of the Sametime Connect client contain a presence list or

buddy list that provides an entry point to all collaborative activities in Sametime. This

buddy list can display the name of any user in the Sametime community that is online'];

presenting a list of said resulting online entities [Landon, page 126, 1st paragraph];

receiving a selection of at least one of said resulting online entities contained within said

list [page 126, 1st paragraph]; and

establishing a software-enhanced communication session not limited to instant

messaging between said user and said selected online entity [Landon, page 9, 1.3.3,

Sametime Connect client, 4th paragraph, 'Both versions of the Sametime Connect client

contain a presence list or buddy list that provides an entry point to all collaborative

activities in Sametime. This buddy list can display the name of any user in the

Sametime community that is online', page 136, 5.2.1, Sametime Connect for the

desktop and 5.2.2, Sametime Connect for Web browsers].

Regarding claim 13, Landon further discloses displaying a graphical user interface for

an instant messaging component of said collaboration software application [Landon,

page 151, figure 5-28], wherein said graphical user interface provides a user selectable

search option; receiving a user selection for said search option [Landon, page 201]; and

responsively presenting search input fields within said graphical user interface, wherein

said search pattern is based upon data input into said search input fields [Landon, page

201, input box].

Regarding claim 14, Landon further discloses said software-enhanced communication

session includes a type of communication other than instant messaging [Landon, page

150, 5.5 – page 151].

3.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Landon-Pabla as applied to claims 1 and 19 above, and further in view of Berger et al.,

(US Publication No. 2004/0267887), (hereinafter Berger).

Regarding claim 3, Landon-Pabla does not specifically disclose said search initializing

action comprises at most two user inputs. However, Berger in the same field of

endeavor, discloses an option for searching for 'additional contact options' [Berger,

paragraph 33]. It would have been obvious to one having ordinary skill in the art at the

time the invention was made to incorporate search options with default settings in order

to reduce the number of required entries by the user.

Regarding claim 4, Landon-Pabla-Berger further discloses displaying a menu option

within said graphical user interface for said instant message client, wherein said menu

option is configured to initiate said search view [Berger, paragraph 33].

Regarding claim 5, Landon-Pabla-Berger further discloses providing a keyboard

combination to initiate said search view, whereby said keyboard combination is a hot-

key combination [Berger, paragraph 35, 'or selecting a designated key from the data

processing device's keyboard'].

Response to Arguments

4.   Applicant's arguments filed 07/30/2008 have been fully considered but they are

not persuasive.

A – Applicant argues "It can be seen from Landon, page 9, 1.3.3 that Landon only

discloses initiating an instant messaging/meeting between the users, not a software-

enhanced communication not limited to instant messaging as in the present invention.".

A – Landon discloses software-enhanced communication not limited to instant

messaging [Landon, at least, page 9, 1.3.3, instant meeting, page ix., Preface, 1st

paragraph, Sametime offers instant messaging, application sharing, and virtual

meetings all in one simple tool, page 2, section 1.1 "What is Sametime"]

B – Applicant argues "It is noted that the buddy list is specific to each user. But the

search is not limited to the entities on the buddy list. Rather, the search engine can use

the presence awareness feature to search any entities whose online presence is not

blocked. In other words, an online entity can always be searched and found if it is not

unlisted using search limitations even if it is not on a user's buddy list.".

B – Landon discloses specifying a search limitation [Landon, page 201, a search limitation can be a name]. Additionally, preventing a user from accessing a specific class is set up in an Access Control List (ACL), so only certain users can look up a specific class of users [Landon, page 6, 1.2.9]. Presence information during the search is found in Pabla who disclose search or query the instant messaging distributed index of presence information to discover the presence of other participating peers [Pabla, paragraphs 114 and 139].

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
10/02/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445